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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 001359

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SUBJECT: EU VIEWS ON KENYAN POLITICS AND DADAAB REFUGEE
CAMPS

REF: STATE 100710

Classified By: USEU Deputy POL M-C Mary Curtin, for reasons 1.4(b) and
(d)

11. (C) SUMMARY: The EU shares USG concerns about the political situation in Kenya and the Dadaab refugee camp complex. On both topics, there is a sense of urgency about the need to act to avert a coming crisis and that the window of opportunity for doing so is closing. POLOFF met with the Commission's Kenya desk officers from the DG for Humanitarian Aid and from the DG for Development. Both were pessimistic about the possibility for political progress in Kenya. END SUMMARY

ECHO'S VIEW - NOWHERE FAST

12. (C) On 1 October, POLOFF met with Maureen Philippon, the Kenya desk officer at the Commission's DG for Humanitarian Aid (ECHO), to discuss reftel demarche and her previous meeting with the UNHCR's Kenya representative. Ms. Philippon painted the same picture (as reftel) of an impending humanitarian disaster in the Dadaab complex of three camps, with severe overcrowding and continued inflows. If the World Food Program pulls out of Somalia, flows into Kenya will increase rapidly. The water and sanitation facilities in Dadaab, she said, simply cannot expand further as there is no room to put in additional boreholes or latrines. Philippon said that, based on her observations and those of the UNHCR Representative, the Somalis in the camp were being unusually patient in waiting for a resolution on the disputed land set aside for a fourth camp. She was surprised they had not yet just moved there of their own accord. She described the political wrangling over the land, and quoted the Kenyan Deputy Speaker Farah Maalim as threatening "war and bloodshed" if the refugees move there. (COMMENT: This may explain the current patience of the Somalis.)

13. (C) Diplomatic efforts so far have made no progress. The EU sent a letter to the GOK in May 2009, signed by 14 Ambassadors, but received no reply. Suggestions of obtaining a different location for the fourth camp have met with a GOK response Philippon characterized as, "Don't even dream about it." She said the EU, along with the U.S., the Dutch, Germans and Swedes, raised Dadaab in an intervention at

UNHCR's Executive Committee meeting in Geneva 28 September - 2 October. However, according to USMISSION Geneva, the EU intervention consisted of a single line: "We note with appreciation the promises of the Kenyan Government to provide additional land in the area of Dadaab." This underscores an EU reluctance to push Kenya on this, as the Kenyan government's cooperation is seen as so vital for regional stability, Somalia piracy, and other topics. As an indication of the wide-spread pessimism about a resolution, Ms. Philippon pointed out that HCR Guterres recently authorized improvements inside of Dadaab, instead of continuing to wait to use those resources for setting up facilities at the new site.

14. (C) Asked what might prompt a resolution, Ms. Philippon mentioned that a current camp verification process is revealing some refugees are missing from the Dadaab complex, and the GOK is noting more refugees showing up in Nairobi. She felt this dynamic could change the GOK calculus. She noted that attempts to address the GOK's stated security concerns had fallen flat. This is because, she opined, the real reason is ethnic conflict and domestic political games - Odinga needs the Deputy Speaker's support and so will not cross him on this. However, she predicted the floods expected in December will cost lives and may prompt the refugees to move themselves, thus changing the game on the ground.

DG DEVELOPMENT - NO BRIGHTER OUTLOOK ON KENYA REFORM

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15. (C) On 6 November, POLOFF met with Aloysius Lorkeers, the Kenya desk officer at the Commission's DG for Development. Mr. Lorkeers expressed grave concern about the current political situation in Kenya and felt time was running short to make enough of a difference before the next election in 2012. He said the EU's Africa Working Group (COAFR) had discussed Kenya recently, with a focus on four issues: achieving electoral reform before the 2012 elections, constitutional reform, police reform, and impunity. He stated the multi-donor Governance, Justice, Law and Order Sector (GJLOS) Reform Program had failed miserably, given lack of GOK commitment and a tension between its political and technical aspects. He cited the findings of South Consulting, the firm contracted by Kofi Annan's office to monitor government reform, which highlighted three areas of concern: slow progress, continued patronage, and increased insecurity. Given the timing of the elections, Mr. Lorkeers predicted that unless there is real progress on political reform within the next year, chances were very high that we would see considerably greater violence in 2012 than occurred in 2008. If Kenya comes apart, he opined, it will affect the whole region.

16. (C) Discussing options for external influence to foster a resolution of the problem, Lorkeers said that Kofi Annan's October 4-7 visit to Kenya is key, but he did not express optimism about the outcome. He said development aid was not a useful lever in Kenya, particularly given that the GOK knows its help is needed on other issues. Mr. Lorkeers said that the U.S. approach of making public statements about the officials being targeted for pressure "would be counterproductive if it had not come from a country with a president with links to Kenya." For the EU, next steps will involve the upcoming mid-term review of the five-year (2008-2013) European Development Fund, which will focus on governance questions, economic and social issues, and implementation of effective development cooperation. The EU is not likely to cut aid to Kenya, he said, but may choose to move it out of governmental budget support into areas such as civil society or climate change. If things still do not improve, the EU will look at "smart sanctions" targeting

individuals for travel restrictions and then perhaps asset freezes, but this would still be a long way off.

17. (C) Asked about the crisis in Dadaab, Mr. Lorkeers said the EU was sending a migration mission to Kenya in December to look at the situation of Somali refugees as part of a larger look at migration, brain drain, remittances, and so on. The mission would examine the situation of refugees in Kenya, internally displaced people in Somalia, and border openings with a possibility that a Regional Protection Program could be instituted (septel). Mr. Lorkeers views the Kenyan arguments about security concerns as real, and therefore sees a value in continuing attempts to address them. But on this as well, he is not optimistic. He says, "Odinga was supportive of a Dadaab solution, but has made a trade off based on internal politics."

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